

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JAVIER ALCALA

Plaintiff(s),

v.

MONSANTO COMPANY and  
DOES 1 to 20,

Defendant(s).

CASE NO. C 08-04828 PJH

STIPULATION AND [PROPOSED]  
ORDER SELECTING ADR PROCESS

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

**Court Processes:**

- ☐ Non-binding Arbitration (ADR L.R. 4)  
☒ Early Neutral Evaluation (ENE) (ADR L.R. 5)  
☐ Mediation (ADR L.R. 6)

*(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)*

**Private Process:**

- ☐ Private ADR (please identify process and provider) \_\_\_\_\_

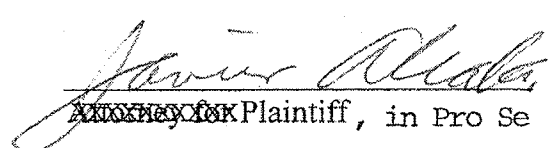
The parties agree to hold the ADR session by:

- ☒ the presumptive deadline *(The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.)*

- ☐ other requested deadline \_\_\_\_\_

Dated: January 27, 2009

Dated: January 27, 2009

  
Attorney for Plaintiff, in Pro Se

STEPTOE & JOHNSON LLP

Attorney for Defendant  
MONSANTO COMPANY

**[PROPOSED] ORDER**

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

- ☐ Non-binding Arbitration  
☒ Early Neutral Evaluation (ENE)  
☐ Mediation  
☐ Private ADR

Deadline for ADR session

- ☒ 90 days from the date of this order.  
☐ other \_\_\_\_\_

IT IS SO ORDERED.

Dated: 2/2/09



**PROOF OF SERVICE**

F.R.C.P. 5 / C.C.P. § 1013a(3)/ Cal. R. Ct. R. 2.260

I am a resident of, or employed in, the County of Los Angeles. I am over the age of 18 and not a party to this action. My business address is: Steptoe & Johnson LLP, 633 West Fifth Street, Suite 700, Los Angeles, California 90071.

On **January 28, 2009**, I served the following listed document(s), by method indicated below, on the parties in this action: **STIPULATION AND [PROPOSED] ORDER SELECTING ADR PROCESS**

**JAVIER ALCALA, plaintiff appearing in pro se**  
3426 Rolison Road, Redwood City, California 94063  
(650) 364-5778

☒ **BY U.S. MAIL**

By placing ☐ the original / ☒ a true copy thereof enclosed in a sealed envelope(s), with postage fully prepaid, addressed as shown above, for collection and mailing at Steptoe & Johnson LLP, 633 W. Fifth Street, Suite 700, Los Angeles, California 90071, following ordinary business practices. I am readily familiar with Steptoe & Johnson LLP's practice for collection and processing of documents for mailing. Under that practice, the document is deposited with the United States Postal Service on the same day as it is collected and processed for mailing in the ordinary course of business.

☐ **BY OVERNIGHT DELIVERY**

By delivering the document(s) listed above in a sealed envelope(s) or package(s) designated by the express service carrier, with delivery fees paid or provided for, addressed as shown above, to a facility regularly maintained by the express service carrier or to an authorized courier or driver authorized by the express service carrier to receive documents, who received these documents at 633 W. Fifth Street, Suite 700, Los Angeles, California, 90071.

☐ **BY PERSONAL SERVICE**

☐ By personally delivering and handing the document(s) listed above to the person(s) identified above.

☐ By personally delivering the document(s) listed above to the address(es) as shown above and leaving said document(s) with a clerk or other person in charge, or if no one is in charge leaving it in a conspicuous place in the office(s).

☐ By personally delivering the document(s) listed above to the address(es) as shown above and leaving said document(s) with someone of suitable age and discretion residing at said address(es).

☐ **BY ELECTRONIC SERVICE**  
**(via electronic filing service provider)**

By electronically transmitting the document(s) listed above to LexisNexis File and Serve, an electronic filing service provider at [www.fileandserve.lexisnexis.com](http://www.fileandserve.lexisnexis.com), from the email address \_\_\_\_\_@steptoe.com, at approximately \_\_\_\_\_. To my knowledge, the transmission was reported as complete and without error.

☐ **BY ELECTRONIC SERVICE**  
**(to individual persons)**

By electronically transmitting the document(s) listed above to the email address(es) of the person(s) set forth on the attached service list from the email address \_\_\_\_\_@steptoe.com at approximately \_\_\_\_\_. To my knowledge, the transmission was reported as complete and without error.

☐ **BY FACSIMILE**

By transmitting the document(s) listed above from Steptoe & Johnson LLP in Los Angeles, California to the facsimile machine telephone number(s) set forth above. Service by facsimile transmission was made ☐ pursuant to agreement of the parties, confirmed in writing, or ☐ as a courtesy to the parties.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the above is true and correct.

Executed on January 28, 2009, at Los Angeles, California.

JoAnn Gutierrez-Bett

